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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,131	11/07/2001	Takashi Hino	2254/50641	4661
7590 12/14/2004 CROWELL & MORING, L.L.P. P.O. Box 14300 Washington, DC 20044-4300			EXAMINER DESIRE, GREGORY M	
			ART UNIT 2625	PAPER NUMBER

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,131

Applicant(s)

HINO ET AL.

Examiner

Gregory M. Desire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,13,14,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,5-12,15,16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities: Claim depends on a non-existing claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 13, 14, 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al (5,864,632).

Regarding apparatus and method claims 1, 17 and 20 Ogawa discloses,

Collating (fig. 1, block 106, collating means) said reference line drawing/image (fig. 1, block 105, three-dimensional coordinate transformation means, reference image) with said target image (ground control point extraction means) so as to obtain variation indexes indicating whether there are variation or not in said ground objects respectively (note col. 5 lines 34-41, establishes correspondence of ground object, examiner interprets as variation)

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Displaying ground objects which can be judged to have variations or ground objects which cannot be judge as to whether variations or not on the basis of said variation indexes, in a display mode in which an area of said target image including said ground objects can be compared with each other (Lines call for displaying ground object with variation and ambiguous ground objects note col. 6 line 1-6, cites display means displaying ground control points from collating and imaging condition acquisition means for insufficient data, examiner categorize as ambiguous).

Regarding apparatus claims 3/1 (claim 3 depending on claim 1) and 19 Ogawa discloses,

In said display mode in which area of said references line drawing/image including said ground objects and an area of said target image including said ground objects can be compared with each other, said areas are displayed in overlap with each other or places adjacently to each other (note col. 5 lines 33-35 and col. 6 lines 1-5, images are superposes, examiner interprets as overlap and it is displayed).

Regarding claim 4/3/1 (claim 4 depending on claim 3 which depend on claim 1) Ogawa discloses,

Mean by which an operator referring to said area of said reference line drawing/image including said ground objects and said area of said target image including said ground objects displayed by said displaying means inputs a judgment

result as to whether there are variation in said ground object or not (note col. 6 lines 5-6, submission means receives judgment result from user).

Regarding claim 13 Ogawa discloses,

When there are a plurality of ground objects which can be judged to have a variation or ground objects which can not be judged as to whether there are variations or not, area including ground objects are displayed sequentially, automatically or manually (note col. 6 lines 1-10, user submission or judgment are displayed manually.)

Regarding claim14 Ogawa discloses,

Means for manually changing display sequence changing display period when display is performed while the display sequence is changed every predetermined time automatically (note col. 7 lines 54-55).

Allowable Subject Matter

1. Claims 21-26 are allowed.
2. The following is an examiner's statement of reasons for allowance for independent claims 21 and 22. The prior art fails to teach limitation of the claims. Claims 23-25 depend on claim 21 and 22. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 2, 5-6, 7-8, 9-12, 15-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding apparatus and method Claims 2 and 18, the claims further limits the variation indexes to include probabilities. The features in claim 2 as claimed in combination with other features are not taught in the prior art. Claims, 3-12 and 15-16 which depend on claim 2, are also objected.

Claim 5 areas displayed are switched every period of predetermined time automatically or manually. These features in combination with other limitations are not taught in prior art. Claim 6 depends on 5.

Claim 7, the feature of the upper of said respective areas is displayed in a predetermined transparent state so that the lower area can be seen through the upper area, and said areas are displayed while said transparent state is switched every period of predetermined time automatically or manually. Claim 7 depends on 8.

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Claim 9, the feature an overlapped area is divided into a first area and second area, and said area of said reference line drawing/image including said ground objects is displayed in said first area, while said area of said target image including said ground objects is displayed in said second area. Claims 10-12 depend on claim 9.

Claims 15-16 provide means for adjusting contrast of reference line image. These features in combination with other features are not taught in the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2625

G.D.
December 10, 2004



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